

REMARKS

This paper is submitted in response to the Office action mailed on April 4, 2007. This paper amends claims 1, 11 and 21. This paper cancels claims 2, 18 and 22. Accordingly, after entry of this Amendment and Response, claims 1, 3-17, 19-21 and 23-30 are pending.

I. Claim Rejections Under 35 U.S.C. § 112

The Office action rejects claims 1-30 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended independent claims 1, 11 and 21 to overcome these rejections. Specifically, Applicant refers to graphically represented reservoirs, connectors, net flow indicators, etc. The independent claims further include a limitation for displaying the graphical representations on a video display. Lastly, Applicant has amended claim 1 to clarify that “connectors” refers to graphically represented connectors and not physically connected connectors.

II. Claim Rejections Under 35 U.S.C. § 101

The Office action rejects claims 1-30 as being directed to non-statutory subject matter. Specifically, claims 1-30 are rejected for failure to define any functional interrelations which permit the computer program’s functionality to be realized. Applicant has amended independent claims 11 and 21 to provide for proper functionality by storing a graphical representation in a memory and display the graphical representation on a video display. Further, claim 1 has been amended to display the graphical representation on a video display.

III. Claim Rejections Under 35 U.S.C. § 102

Claims 1-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,900,822 to Germain et al. (hereafter “Germain”). In order for a reference to anticipate a claim under 35 U.S.C. § 102(e), the reference must teach each and every element of the claim. For the several reasons recited below, it is respectfully submitted that Germain does not anticipate any of the claims.

A. Independent claims 1, 11 and 21 are not anticipated by Germain because Germain involves a network hardware topology whereas the claims address reservoirs of website content irrespective of the hardware

Claims 1, 11 and 21 are independent claims from which all other pending claims depend. As amended, claim 1 states, “a plurality of graphically represented reservoirs, each of the plurality of reservoirs in communication with at least one other of the plurality of reservoirs, the plurality of reservoirs representing website content, the plurality of reservoirs

displayed on a video display.” Applicant respectfully submits that Germain does not disclose this limitation of claim 1. Specifically, the Office action cites to Figure 5 of Germain in support. See *Office action*, page 5. Germain merely discloses the hardware devices being displayed in the form of physical units between personal computers and switches. See *Germain*, Figure 5, elements 102, 104 and 105-112. There is no teaching or suggestion that the items displayed in Figure 5 are indicative of reservoirs representing website content. In contrast, Germain explicitly states that Figure 5 illustrates the mapping of a network topology. See *Germain*, col. 4, lines 60-62. A network topology represents hardware devices used in the representative network. Website content is not displayed in the network topology, nor are the illustrated hardware devices representative of website content.

The limitations of claim 2 have been partially incorporated into claim 1. In regards to claim 2, the Office action further cites to the abstract of Germain as being indicative of Figure 5 teaching reservoirs having the requisite website content. Applicant respectfully disagrees that the abstract of Germain discloses website content. The abstract specifically states, “representing performance and flow analysis of a communication network having devices connected by links.” Devices, as disclosed in the abstract and through the specification of Germain, do not encompass a reservoir representing website content. The reservoirs representing website content of claim 1 refer to a representation of website content irrespective of the hardware devices responsible for hosting, controlling and managing the website content. In other words, the focus of the representation of website content within the reservoirs is the metrics of Internet traffic flow between two or more groups or reservoirs of website content. Germain in contrast, addresses the hardware level irrespective of the website content and flow between reservoirs of content. Therefore, Germain fails to disclose this limitation of claim 1.

Hence, for the reasons set forth above, it is believed that claim 1 is patentable under 35 U.S.C. § 102(e) over Germain.

As set forth above, independent claims 11 and 21 are also rejected under 35 U.S.C. § 102(e) as being anticipated by Germain. Claims 11 and 21 substantially include the same limitations of claim 1, namely “wherein the plurality of reservoirs represents website content.” For at least the reasons cited above with respect to claim 1, Germain does not disclose all the limitations of claims 11 and 21. Thus, claims 11 and 21 are patentable under 35 U.S.C. § 102(e) over Germain.

B. Dependent claims 3-9, 12-17, 19, 21 and 23-30 are not anticipated by Germain

Dependent claims 3-9, 12-17, 19, 21 and 23-30 depend upon and contain all the limitations of independent claims 1, 11 and 21, respectively. Therefore, for at least the reason mentioned above, Germain does not disclose each and every limitation of claims 3-9,

12-17, 19, 21 and 23-30. As such, claims 3-9, 12-17, 19, 21 and 23-30 are patentable under 35 U.S.C. § 102(e) over Germain.

IV. Conclusion

The Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 04-1415 as necessary.

The Applicant thanks the Examiner for his thorough review of the application. The Applicant respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

Dated: July 3, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory P. Durbin', is written over a horizontal line.

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